

Board of Supervisors Development Process Committee

September 19, 2017

Government Center Conference Room 11

Board of Supervisors (Board) Members Present:

Sharon Bulova, Chairman
Penelope Gross, Mason District (Vice Chairman)
John Cook, Braddock District
John Foust, Dranesville District
Pat Herrity, Springfield District
Jeff McKay, Lee District
Kathy Smith, Sully District (Committee Chair)
Dan Storck, Mount Vernon District

Agenda and presentation materials are available on the [2017 Board Committee Meetings Archive webpage](#).

The Development Process Committee (Committee) meeting was called to order at 9:08 a.m.

Zoning Ordinance Modernization:

Barbara Byron, Director, Office of Community Revitalization (OCR), presented an update on the Zoning Ordinance Modernization Project (zMOD) and outlined the proposed approach for amending the minor modification and restaurants of the Zoning Ordinance. Staff also in attendance were Fred Selden, Director, Department of Planning and Zoning (DPZ); Leslie Johnson, Zoning Administrator, DPZ; David Stoner, Deputy County Attorney; Kevin Guinaw, Special Projects Coordinator, DPZ; and Carmen Bishop, Senior Assistant to the Zoning Administrator, DPZ.

zMOD RFP:

Ms. Byron presented the status of the zMOD Request for Proposals and stated that things are moving forward. The Selection Advisory Committee has completed its evaluation of the submitted RFPs and have selected two consultants; Board concurrence in the award of contracts will be included as a County Executive Information Item at the October 24, 2017, Board Meeting. The kickoff meeting with the consultant is expected in November.

Minor Modifications Amendment:

Mr. Guinaw gave an update on the progress of the Minor Modification Amendment since the last DPC meeting in July. He stated that several outreach sessions had been conducted. Two meetings were held with the Land Use Attorneys Advisory Group, and based upon these meetings, some wordsmithing was done to the proposed text and a new Minor Variation 6 was developed regarding changes to architecture and materials. The Amendment was included in the Zoning Ordinance Open House at the Herrity Building on September 26, 2017. Two meetings were held with the Citizens Advisory Group, based upon which clarifying language was added to the proposed text for minor variations related to building height, community recreation facilities and architecture. A second meeting was held with the Planning Commission's Land Use Process Review Committee, which requested an additional

clarification be added to Minor Variation 6 that any modifications be of equivalent quality to the approved architecture, materials or signage.

Mr. Guinaw indicated that the Amendment was generally well received in these outreach sessions and the participants were very actively engaged. Staff has proposed additional text clarifying that there may be circumstances in which the Board may not want to waive the public hearing on a request for a minor variation. New text is proposed to be added that the Board may elect at its discretion not to waive the public hearing for a minor variation request. Mr. Stoner wanted the Board to understand that the new language will allow them to actually not hear the minor variation should they chose to. Ms. Byron added that the last two additions by the PC Committee and staff, since they occurred after the submission of the Board Item for authorization of the public hearings, could be addressed in the Board motion to authorize the amendment.

Mr. Guinaw noted that the Minor Modifications Amendment will be coming before the Board for authorization on September 26, 2017, and remains on schedule for public hearings before the Planning Commission on October 26, 2017, and the Board of Supervisors on November 21, 2017. The Board asked if the 15 foot limitation on a requested increase in height is for both commercial and residential uses and can see the use in commercial districts but is concerned about complaints received referencing homes being too tall; that infill development and tear-down of existing homes are changing the aesthetics of the neighborhoods and can impact the community.

Ms. Byron pointed out that maximum building heights in a zoning district cannot be exceeded. Ms. Johnson explained that the height is identified prior to construction on the grading plan. The Board asked if these types of modifications for recreational use are anticipated before construction. Ms. Byron gave the example of a recreational facility in a P district where the original plan was approved for an active recreation court and a request was made by the community to change it to an alternative recreation facility many years later, after completion.

Restaurant Amendment:

Ms. Bishop gave a follow up to the July 18, 2017, Development Process Committee presentation on the Restaurant Amendment. She discussed the fact that she has meet with various Board of Supervisors members, attended community outreach meetings and spoke with industry. The general purpose of the amendment is to provide broader, more inclusive definitions for all types of restaurants. Restaurants will be defined as either: a restaurant, a carryout restaurant, or a restaurant with a drive-through.

The amendment also includes how restaurants are permitted in various zoning districts and the parking requirements, including parking for outdoor seating. There are two parking options. Proposed parking option 1 utilizes the current eating establishment and fast food restaurant rates based on seats and employees, and proposed parking option 2 would convert the current rates to square footage of gross floor area. The proposed amendment would exempt up to 20 outdoor seats from parking calculations for restaurants and drive-throughs.

Authorization to Advertise the amendment is anticipated to occur on October 24, 2017; the Planning Commission Public Hearing on November 30, 2017; and, the Board of Supervisors Public Hearing on January 23, 2018.

There was discussion of the proposal to exempt up to 20 outdoor seats from parking calculations. It was suggested that the amendment be advertised with the option to permit more than 20 outdoor seats

to be exempt from parking. There were questions about using a percentage and whether other localities consider the seasonal aspect of outdoor seating. Ms. Byron stated that staff has looked at many options for the outdoor seating and the decision was made to put an actual number to it for simplicity. Mr. Selden explained that simplifying the outdoor seating helps with enforcement.

It was noted that special exception conditions for uses that previously required a special exception, but would now be by-right and would no longer apply, but confirmation was requested that other conditions and regulations, such as for these overlay districts, would still apply. Staff concurred.

There was discussion of the proposed parking rates under option 2. It was questioned whether the rate based on gross square feet (GSF), instead of the dining area, may disadvantage smaller restaurants. Staff responded that the proposed rates are based on a review of existing restaurants and that the lower rate for restaurants below 5,000 square feet in size is based on that review. It was also questioned why the rate is higher for drive-throughs. It was requested that staff continue to review parking rates and that a range be advertised.

The Committee meeting adjourned at 9:55 a.m.

The next Development Process Committee meeting is October 3, 2017, at 1:00 p.m.